UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/638,843	Applicant(s) WIGGESHOFF ET AL.
	Examiner Andrea N. Long	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 April 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 August 2003 and 30 April 2007_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Applicant's Response

1.   Claims 1, 21, and 41-42 were amended. The objection of the drawings is withdrawn.

The rejection of claim 41 under 35 U.S.C. 101 is withdrawn. Claims 1-42 are currently pending

in the present application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1, 2, 11, 12, 18, 19, 21, 22, 38, 39, 41, and 42 are rejected under 35**

U.S.C. 102(e) as being anticipated by Roskind et al (US Patent 7124123), hereinafter

"Roskind".

As to independent claim 1, Roskind teaches a system for implementing a user interface

in an electronic device (column 1 lines 12-21 → Roskind discloses an instant messaging

program consisting of a user interface within a computer), comprising:

a user interface application configured to generate said user interface upon a display of

said electronic device, said user interface application selectively generating a main widget

(Figure 2A, column 1 lines 18-21), a connect widget (column 1 lines 21-24), and an alert widget

(column 1 lines 39-42) as separate parts of said user interface in response to user input from a

device user of said electronic device(column 1 lines 17-27 → Roskind discloses a well known

method of a user manipulating the user interface to initiate messaging communications with the

buddy); and

a processor device coupled to said electronic device, said processor device being

configured to control said user interface application for performing network communications

procedures in an electronic network (column 13 lines 43-59 → Roskind discloses that a

processor is used to carry out instruction of the operation).

As to dependent claim 2, Roskind teaches wherein said network communication

procedures are performed between said electronic device and one or more buddy devices

through

a network server of said electronic network, said network communication procedures including

instant messaging processes and sharing of content information for corresponding network

services (column 1 lines 12-24).

As to dependent claim 11, Roskind teaches wherein said device user selects said MEET

tab to display a MEET widget that includes one or more buddy entries that include buddy

information corresponding to one or more buddy devices in said electronic network (column 5

lines 1-2).

As to dependent claim 12, Roskind teaches wherein said buddy information includes a

buddy group name (randomcontact's Buddy List), an on-line/off-line status icon (AOL (4/4) is a

textual icon portraying information that 4 out of the 4 buddies in the AOL are online), a buddy

screen name (randomcontact2), a buddy resource name (Co-Workers), and a listing of network

services available for performing network service sharing procedures over said electronic

network (IM, Chat, Write) (Figure 2A).

As to dependent claim 18, Roskind teaches wherein said user interface application

dynamically displays said alert widget upon a portion of said display for viewing corresponding

alert messages relating to one or more buddy devices (column 1 lines 36-43 → Roskind

discloses that an alert messaging that was sent to a buddy in response to the user being away is

also displayed on the client workstation to inform the user of the event).

As to dependent claim 19, Roskind teaches wherein said alert widget functions in a

notification mode in which no response is required from a device user (column 1 lines 36-43 →

Roskind discloses wherein a message is displayed to a user to inform them of an alert that was

sent to a buddy while they were away), said alert widget alternately functioning in a decision

mode in which a decision is required by said device user to approve or disapprove a particular

one of said alert messages (column 1 lines 56-67 → Roskind discloses that an action is

requested from the first user if a requested action is to take place).

Independent claim 21 is rejected under the same rationale as claim 1.

Dependent claim 22 is rejected under the same rationale as claim 2.

Dependent claim 38 is rejected under the same rationale as claim 18.

Dependent claim 39 is rejected under the same rationale as claim 19.

Independent claim 41 and 42 are rejected under the same rational as claim 1.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 3, 4, 6-15, 17, 20, 23, 24, 26-35, 37, 40 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Roskind et al (US Patent 7124123) in view of Becker et al (PG

PUB US 2002/0130904 A1, filed 01/17/2002), hereinafter "Becker".

As to dependent claim 3, Roskind teaches the functions of the presence tab (column 1

lines 28-36), a MEET tab (column 5 lines 1-4 "buddy list"), a buddy tab (column 5 lines 7-10),

a content tab (column 4 lines 48-57), an info tab (column 4 lines 63-67). However, Roskind

does not teach these functions as tabs. Becker teaches the concept of using tabs in an instant

messenger user interface (page 1 paragraph [0010].

It would have been obvious to one skilled in the art at the time the invention was made to have combined the functions of Roskind with the tabbing method of Becker to better organize and display the functions to the use.

As to dependent claim 4, Roskind teaches wherein a device user selects said presence tab in a presence off-line mode for logging-in to a network server to gain access to said electronic network (column 1 lines 44-52).

As to dependent claim 6, Roskind teaches wherein a device user selects said buddy tab to add a new buddy device to a buddy list of communication partners for said electronic device, said device user alternately selecting said buddy tab to remove a current buddy device from said buddy list, said device user also selecting said buddy tab to edit buddy information corresponding to one or more of said communication partners (column 5 lines 1-10).

As to dependent claim 7, Roskind teaches wherein a device user selects said content tab in a content off-line mode for adding shareable content information, for editing said shareable content information, and for removing said shareable content information, said shareable content information being stored in a memory device for sharing with one or more buddy devices over said electronic network (column 3 line 64 through column 4 line 3, column 4 lines 48-54 → Roskind teaches a host server that stores and interacts with communications such as email, audio, video data etc., which is transferable to other buddies on a network).

As to dependent claim 8, Roskind teaches wherein a device user selects said content tab in a content on-line mode for viewing a list of previously-defined shareable content information, said device user then sending content sharing invitations to one or more buddy devices for sharing said previously-defined shareable content information (column 4 lines 13-31 → Roskind discloses that when a user is online, (logged in) the user can exchange IM's with buddies and trade files such as pictures, invitations, or documents).

As to dependent claim 9, Roskind teaches wherein a device user selects said info tab to create and transmit a request for profile information regarding one or more buddy devices in said electronic network (column 4 lines 59-67 → Roskind discloses a text box that displays representations of the program user's buddies. The representations may provide contextual information to the program user about the buddy).

As to dependent claim 10, Roskind teaches wherein said request for said profile information requests a user nickname, a user email address, a user URL, a user sex, a user age, a user birthday, a user blood type, a user country, a user state, a user hobby, a user photo, and a user description. It is reasonable and well known that a profile can consist of any information that would be pertinent to the system at hand.

As to dependent claim 13, Roskind teaches wherein said device user utilizes said MEET widget to view a communications menu corresponding to a selected one of said one or

more buddy entries, said device user then utilizing said communications menu to initiate said

network communications procedures over said electronic network (Figure 2B, column 5 lines

11-15).

As to dependent claim 14, Roskind teaches wherein said device user selects an instant

messaging mode from said communications menu, said user interface application

then dynamically displaying said connect widget (IM button) upon a portion of said display,

said device user utilizing said connect widget to conduct bi-directional chat-type

communications between said electronic device and a selected one of said one or more buddy

devices (Figure 2B, column 5 lines 11-38).

As to dependent claim 15, Roskind teaches wherein said device user selects a single

message mode from said communications menu, said user interface application then

dynamically displaying said connect widget upon a portion of said display, said device user

utilizing said connect widget to send a single message from said electronic device to a selected

one of said one or more buddy devices (Figure 2B, column 5 lines 11-38).

As to dependent claim 17, Roskind teaches wherein said connect widget includes a

series of buddy tabs for selecting which of said one or more buddy devices are designated for

said network communications procedures (Figure 1, page 4 paragraph [0038] → Becker teaches

tabs for selecting individual buddies to communicate with), said connect widget further

comprising a buddy scrolling tab for repositioning which of said buddy tabs are currently

displayed on said connect widget if a greater number of said buddy tabs exist than may

concurrently be displayed on said connect widget (Figure 1, page 4 paragraph [0038] → Becker

discloses that additional elements such as elevator control can be added which would allow for

additional scrolling. Also Figure 1 shows in panel 100 a scroll bar for scrolling).

It would have been obvious to one skilled in the art at the time the invention was made to

have combined user interface of Roskind to the tabbing system of Becker to better organize and

display the buddies.

As to dependent claim 20, Roskind teaches wherein said alert widget However, Roskind

does not teach a series of alerts. Becker teaches using tabs to organize a list of buddies. Becker

also teaches using scrolling (Figure 1) to allow for viewing additional information.

It would have been obvious to one skilled in the art at the time the invention was made to

implemented the tabbing system of Becker with the alert widget of Roskind to better organize

and easily view alerts provided to the user.

Dependent claim 23 is rejected under the same rationale as claim 3.

Dependent claim 24 is rejected under the same rationale as claim 4.

Dependent claim 26 is rejected under the same rationale as claim 6.

Dependent claim 27 is rejected under the same rationale as claim 7.

Dependent claim 28 is rejected under the same rationale as claim 8.

Dependent claim 29 is rejected under the same rationale as claim 9.

Dependent claim 30 is rejected under the same rationale as claim 10.

Dependent claim 31 is rejected under the same rationale as claim 11.

Dependent claim 32 is rejected under the same rationale as claim 12.

Dependent claim 33 is rejected under the same rationale as claim 13.

Dependent claim 34 is rejected under the same rationale as claim 14.

Dependent claim 35 is rejected under the same rationale as claim 15.

Dependent claim 37 is rejected under the same rationale as claim 17.

Dependent claim 40 is rejected under the same rationale as claim 20.

6.   **Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind et al (US Patent 7124123) in view of Becker et al (PG PUB US 2002/0130904 A1, filed 01/17/2002) as applied to claim 3 and 23 above, and further in view of Benejam et al (US Patent 7084754), hereinafter "Benejam".**

As to dependent claim 5, Roskind teaches wherein a device user selects said presence tab in a presence on-line mode for logging-out from a network server of said electronic network (column 1 lines 44-52 → It is inherent that the method of logging out would be the mirror of logging-in) However, Roskind does not disclose, the presence tab have presence attributes. Benejam teaches said device user alternately selecting said presence tab in said presence on-line mode for changing presence attributes of said electronic device, said presence attributes including a visibility attribute and a status
attribute for said electronic device (column 3 lines 13-27).

It would have been obvious to one skilled in the art at the time the invention was made to

have combined the presence attributes of Benejam with the presence tab of Roskind to allow

flexibility of the user's presence online.

Dependent claim 25 is rejected under the same rationale as claim 5.

7.   Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Roskind et al (US Patent 7124123) in view of Becker et al (PG PUB US 2002/0130904 A1,

filed 01/17/2002) as applied to claim 13 and 33 above, and further in view of Canfield et al

(US Patent 7127685), hereinafter "Canfield".

As to dependent claim 16, Roskind teaches wherein said device user selects a content

messaging mode from said communications menu, said user interface application

then dynamically displaying said connect widget upon a portion of said display (Figure 2B,

column 5 lines 11-38). However, Roskind does not teach said device user utilizing said connect

widget to either share content information associated with a particular announced network

service, or to view said content information while simultaneously conducting instant messaging

over said electronic network. Canfield teaches a device user utilizing said connect widget to

either share content information associated with a particular announced network service, or to

view said content information while simultaneously conducting instant messaging over said

electronic network (Figures 5 & 8-11).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the user interface of Roskind with the sharing and viewing of content of Canfield to enable a user to locate preferred information and service quickly and easily.

Dependent claim 36 is rejected under the same rationale as claim 16.

Response to Arguments

8.   Applicant's arguments filed 04/30/2007 have been fully considered but they are not persuasive.

In regard to independent claims 1, 21, and 41-42 the Applicant asserts that Roskind does not teaches "said user interface application selectively generating a main widget, a connect widget, and an alert widget as separate parts of said user interface in response to user input from a device user of said electronic device". In particular Applicant asserts that Roskind fails to teach away from the claimed invention, in that it does not teach user participation.

The Examiner respectfully disagrees.

In the background of Roskind's invention, he discloses direct user interaction with the user interface to communicate with other user through an IM system, such as real time textual messaging, which is a well known standard practice in IM systems for a user to physically interact with a user interface. Therefore Roskind , in addition to having an electronic assistance for communicating and generating information he also include user interaction with the user interface.

Applicant asserts that Roskind also fails to teach a separate "alert widget" and fails to teach a "main widget" that provides the multiple nested functionalities disclosed and discussed in conjunction with Applicants' Fig. 4.

In regard to Roskind failing to teach a separate "alert widget", the Examiner disagrees. Roskind teaches wherein a alert in the form of a message that was sent to the away user may be displayed on the client system. While Roskind does not explicitly state a widget for the alert, it is implicit that some form of a widget/window/interface is provided to the user.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multiple nested functionalities of the "main widget") are not recited in the rejected independent claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In regard to the rejection of claim 12, 18-19, and 38-39, the Applicant has requested the Examiner to associate specific elements with the claimed limitations. The Examiner has honored the Applicant's request, and refers back to the revised rejection of claims 12, 18-19, and 38-39 above, which includes an expanded association of elements and claimed limitations.

In regard to claims 3 and 23, Applicant asserts that Roskind in view of Becker fails to teaches "said main widget includes a presence tab, a MEET tab, a buddy tab, a content tab, and info tab, and a main window area".

The Examiner respectfully disagrees.

As stated in the rejection of claims 3 and 23, Roskind teaches the functions of the tabs in question, which by Applicant's arguments is not disputing the teaching of the functions by Roskind. What Applicant is arguing is the combining of Becker to show that these functions can be implemented on tabs to compactly nest the various functionalities in a main widget. Becker teaches a messaging system as that of Roskind, but includes tabs within the system to organize and selectively display information within a single window. Using such a method of tabs as that of Becker an implement that method into the system of Roskind would also organize and selectively display information within a single window similar to that of a "main widget". Incorporating each function of Roskind on the a tab of Becker is an obvious combination to simplify the look and use of the interface.

In regard to the rejection of claim 7-8, 27-28, 9-10 and 29-30, the Applicant has requested the Examiner to associate specific elements with the claimed limitations. The Examiner has honored the Applicant's request, and refers back to the revised rejection of claims 7-8, 27-28, 9-10 and 29-30 above, which includes an expanded association of elements and claimed limitations.

In regard to claims 5 and 25, the Applicant asserts that the method of logging out would not be the mirror of logging-in. The Examiner was not taking Official Notice of the essential step of having to have logged-in in order to log-out. The presumption that logging out can exist without first having to login, cannot be supported. The two steps of logging coincide with one

another in that if one is present in the system the other would have had to occur to promote a

response. However, for the consideration of the Applicant, Low et al. (US 2003/0018726 A1) as

prior art has been cited on Form PTO 892 that supports the nature of logging in and logging out.

In regard to claims 16 and 36, the Applicant asserts that the combining of the art of

Roskind, Becker and Canfield would not be obvious to one skilled in the art at the time the

invention was made.

The Examiner disagrees.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Canfield discloses in the background of his invention where the user interface helps

users navigate to desired resources which is common among online service providers. By

including an instant messenger as an additional user interface as that of Roskind on such an

interface as that of Canfield would increase the navigation of a user to a desired resource while

communication to other users.

Conclusion

9.   The prior art made of record on Form PTO 892 and not relied upon is considered

pertinent to applicant's disclosure.

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The

examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
07/28/2007

WILLIAM BASHORE
PRIMARY EXAMINER